

Our app and our mission was set to die at the hands of Apple unless our infant company came up with hundreds of thousands of dollars to reconfigure our service delivery while losing 30% of associated revenue—and we are not alone.

It doesn't matter if you are a startup or an established company: When it comes to the digital economy, you depend on Apple and Google to stay alive because they control your access to your customers. They are the gatekeepers of your information.

Now, the Open App Markets Act made it out of committee and almost unanimously received that vote—as I said, 20 to 2. Republicans and Democrats agree that this is not the way a healthy marketplace should be working. That is why we got that near-unanimous vote.

This bill needs a vote because it will set the fair, clear, and enforceable rules needed to protect the competition. It will force Big Tech to allow third-party apps and app stores on their devices. App store owners won't be able to lock developers into in-app payment arrangements anymore, which opens the door to competitive pricing. Developers will also be able to keep their confidential business information private. Imagine having to share your information—somebody else controls it—and they use your business information to compete against you. Most importantly, the developers will be able to communicate with their customers, which for any business owner is key to creating a strong product or service.

I think it has become clear that the American people know how much Big Tech is controlling their lives, but they are no longer content to sit by and let these companies consolidate power, especially at the expense of freedom and basic human rights.

Over the past few weeks, we have watched the Chinese people revolt against Xi Jinping's "zero-COVID" lockdowns. Much of the coverage has come to us via apps we have downloaded on our phone. But for the protesters in China, their use of tech is a double-edged sword.

We know the Chinese Communist Party is using apps and other forms of technology to identify and surveil and ultimately punish the protesters in China. People are being tracked via their virtual private networks and through apps like Signal and Telegram.

For activists with iPhones, their options are now even more limited. Before the protests boiled over, Apple made the unforgivable choice to disable the AirDrop feature in China only. That is right—the only place on the face of the Earth that Apple decided to disable AirDrop was in China, just prior to the protests.

This feature was an activist's best friend because it allowed one person to share files with an entire local network with no way for the government to come in and monitor what they were sending. It was a game changer, and Apple decided to flip the switch.

When reporters asked Apple's CEO Tim Cook last week if he supported the protesters in China, he refused to answer. Now, I agree, this is incomprehensible—until you remember that China is Apple's largest market outside of the United States, and it is a major source for Apple's supply chain. In fact, both Apple and Google have a long history of giving authoritarian governments everything that they ask for. Last fall, both companies acted on Moscow's orders and removed an app designed to coordinate protest voting in the Russian elections.

My colleagues may remember the scandal that was the 2022 Beijing Winter Olympic's app. The Chinese Communist Party forced all the athletes and coaches and spectators to use this app. They didn't have a choice. Both Apple and Google listed it on their phones even though they knew the CCP was using it to spy on their customers.

This isn't mere gatekeeping; this is picking winners and losers in an environment where the losers could end up dead because of the decisions these companies are making.

When I first started working on this bill with Senator BLUMENTHAL, I received letters from several human rights organizations thanking me for paying attention to how these companies were using their power. We know that Apple has plans to move some of their production out of China, so perhaps some day, the Chinese Communist Party will have less of a stranglehold on free communication around the world. But I would remind my colleagues that moving the chess pieces of production, while vitally important, does not fully address the problem we are trying to solve with the Open App Markets Act. Think of everything that happened before Apple decided to speed up this transition. We don't have time to put this bill on a shelf while China and Big Tech work out their differences.

The digital marketplace is no longer a novelty; it is an essential service that billions of people rely on. In 2020, U.S. consumers spent nearly \$33 billion in mobile app stores and downloaded more than 13.4 billion apps. Two companies exclusively dictate the terms of that market. They have certainly made it clear that their power comes first, their profits are more important, and the customers are at the end of the list. They are last on the list of concerns.

Every day, I hear from Tennesseans who have realized just how little control they have over their mobile device. They live half of their lives on their device, and they are no longer comfortable letting Apple and Google dictate the terms of their interactions with the rest of the world.

We shouldn't be comfortable with allowing that to continue. I would encourage my colleagues to join with Senator BLUMENTHAL and with me and support this legislation. Let's get it passed and to the President's desk.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 1238.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Jeffery Paul Hopkins, of Ohio, to be United States District Judge for the Southern District of Ohio.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1238, Jeffery Paul Hopkins, of Ohio, to be United States District Judge for the Southern District of Ohio.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Michael F. Bennet, Brian Schatz, Robert P. Casey, Jr., Mazie Hirono, Chris Van Hollen, Jacky Rosen, Margaret Wood Hassan, Sherrod Brown, Amy Klobuchar, Tina Smith, Debbie Stabenow, Elizabeth Warren, Kirsten E. Gillibrand, Tammy Duckworth.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 1183.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Tamika R. Montgomery-Reeves, of Delaware, to be United States Circuit Judge for the Third Circuit.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1183, Tamika R. Montgomery-Reeves, of Delaware, to be United States Circuit Judge for the Third Circuit.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Tina Smith, Michael F. Bennet, Christopher A. Coons, Margaret Wood Hassan, Tim Kaine, Ben Ray Lujan, Tammy Duckworth, Jack Reed, Kirsten E. Gillibrand, Angus S. King, Jr., Patty Murray, Catherine Cortez Masto, Robert P. Casey, Jr., Martin Heinrich.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 1146.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Dana M. Douglas, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1146, Dana M. Douglas, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

Charles E. Schumer, Richard J. Durbin, Jeff Merkley, Tina Smith, Sheldon

Whitehouse, Benjamin L. Cardin, Maria Cantwell, Amy Klobuchar, Jon Ossoff, Mark Kelly, Jacky Rosen, Brian Schatz, Mazie Hirono, Angus S. King, Jr., Thomas R. Carper, Sherrod Brown, Tim Kaine.

Mr. SCHUMER. Madam President, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, December 5, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I ask that the scheduled vote occur immediately.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Doris L. Pryor, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

VOTE ON PRYOR NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Pryor nomination?

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. MURPHY), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Dakota (Mr. CRAMER), the Senator from Idaho (Mr. RISCH), and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER (Mr. KING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 31, as follows:

[Rollcall Vote No. 373 Ex.]

YEAS—60

Baldwin	Duckworth	Menendez
Bennet	Durbin	Merkley
Blumenthal	Feinstein	Murkowski
Blunt	Gillibrand	Murray
Booker	Graham	Ossoff
Braun	Hassan	Padilla
Cantwell	Heinrich	Peters
Capito	Hirono	Portman
Cardin	Kaine	Reed
Carper	Kelly	Romney
Casey	King	Rosen
Cassidy	Klobuchar	Rounds
Collins	Lujan	Sanders
Coons	Manchin	Schatz
Cornyn	Markey	Schumer
Cortez Masto	McConnell	Shaheen

Sinema
Smith
Stabenow
Tester

Tillis
Van Hollen
Warner
Warren

Whitehouse
Wicker
Wyden
Young

NAYS—31

Blackburn
Boozman
Burr
Cotton
Crapo
Cruz
Daines
Ernst
Fischer
Grassley
Hagerty

Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
Moran

Paul
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Toomey
Tuberville

NOT VOTING—9

Barrasso
Brown
Cramer

Hickenlooper
Leahy
Murphy

Risch
Rubio
Warnock

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from Nevada.

LEGISLATIVE SESSION

MORNING BUSINESS

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DEBORAH YETTER

Mr. McCONNELL. Mr. President, few things ensure honesty in State and local government as effectively as a tenacious local journalist. Though the ranks of our Nation's small and mid-sized newspapers have shrunk in recent years, these dogged reporters still stalk the halls of State capitol buildings and city halls, ready to pull back the curtain on government officials and bring harsh sunlight to murky backrooms.

In Kentucky, the Louisville Courier-Journal's Deborah Yetter has been our consummate local journalist for nearly four decades, breaking news and exposing government scandals, all for the voters' benefit. Deborah retired from her role this November, earning praise and accolades from all around the Commonwealth. Today, I ask my Senate colleagues to join me in adding my voice to that chorus and congratulating Deborah on her retirement.

Deborah has been reporting on Kentucky's government since she first graduated college, starting her career in eastern Kentucky and honing her skills at Harlan County's Tri-City News. At that weekly, she focused on conditions in local coal mines, reported on endemic unemployment and poverty in the area, and covered local officials. Her work attracted attention from Louisville, where she moved in 1984 to